

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES E ALLEN,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

CASE NO. C10-5721 RBL

ORDER GRANTING IFP ON
APPEAL

[DKT. #52]

THIS MATTER is before the Court on Plaintiff Charles Allen's Application to proceed in forma pauperis [Dkt. #52] on his appeal of this Court's Order dismissing his claims on Summary Judgment. [Dkt. #49].

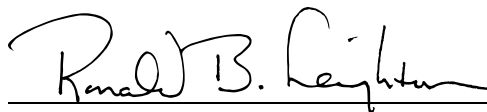
Allen's claims arise from the termination of his employment at the United States Postal Service, allegedly in violation of his rights under the Family Medical Leave Act. This Court dismissed the claims because the USPS had not waived its sovereign immunity (depriving this Court of jurisdiction) and because Allen had no evidence supporting his claims.

While Plaintiff's claims are not viable, the Court cannot conclude that his appeal is frivolous or taken in bad faith.

1 Plaintiff's Motion is GRANTED, and this Court will continue Plaintiff Allen's IFP status
2 of appeal.

3 IT IS SO ORDERED.

4 Dated this 8th day of November, 2012.

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7 Ronald B. Leighton
8 United States District Judge
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